

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:13-cv-00276-MR-DLH**

FEDERAL INSURANCE COMPANY,)
)
Plaintiff,)
)
vs.)
)
)
OMEGA FLEX, INC.; RB'S GAS, INC.;)
McNUTT SERVICES GROUP, INC.; S.)
FOX ELECTRIC, LLC; and RIVER CANE)
BUILDERS, LLC,)
)
Defendants.)
)

)

O R D E R

THIS MATTER is before the Court on the Plaintiff's Motion for Entry of Default as to Defendant RB's Gas, Inc. [Doc. 22].

The Plaintiff initiated this action against Defendant RB's Gas, Inc. ("RB's Gas") and others on October 18, 2013. [Doc. 1]. On February 7, 2014, the Plaintiff filed a motion for entry of default as to RB's Gas, asserting that this Defendant was served with process on October 28, 2013 and had failed to plead or otherwise defend.

While the motion for entry of default has been pending, counsel has made a notice of appearance on behalf of RB's Gas and has filed a motion

on behalf of this Defendant seeking to dismiss this action due to insufficient service of process.¹ [Docs. 26, 27]. As the Defendant has made an appearance and clearly seeks to defend this action, the Court concludes that the Plaintiff's request for entry of default as to this Defendant should be denied.

IT IS, THEREFORE, ORDERED that the Plaintiff's Motion for Entry of Default as to Defendant RB's Gas, Inc. [Doc. 22] is **DENIED**.

IT IS SO ORDERED.

Signed: March 6, 2014



Martin Reidinger
United States District Judge

¹ The delay was apparently caused by Plaintiff's counsel's failure to cooperate with the office of the clerk of this Court regarding the completion of all items needed for the default to be entered.